

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION)	
INC. AND NEXTEL WEST CORPORATION FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	CASE NO.
A WIRELESS COMMUNICATIONS FACILITY AT)	98-005
FERGUSON ROAD IN THE TRUNKED SMR)	
LICENSE AREA IN THE COMMONWEALTH OF)	
KENTUCKY IN THE COUNTY OF BULLITT)	

O R D E R

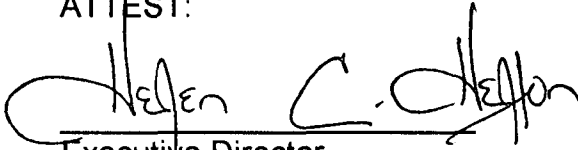
The Commission has received the attached letter regarding the proposed cellular telecommunications services facility to be located at 136 Ferguson Road, Shepherdsville, Bullitt County, Kentucky.

IT IS THEREFORE ORDERED that:

1. Crown Communication Inc. and NEXTEL West Corporation ("Applicants") shall respond to the concerns stated in the letter by certified mail, within 10 days from the date of this Order.
2. Applicants shall file a copy of the certified letter and dated receipt, within 7 days of the date on the receipt.

Done at Frankfort, Kentucky, this 20th day of February, 1998.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


For the Commission

RECEIVED

FEB 12 1998

PUBLIC SERVICE
COMMISSION

January 31, 1998

Dotson
98-005

TO: Executive Director Public Service,

I am writing because I oppose a telecommunications tower on property on 136 Ferguson Lane, Shepherdsville, Ky. 40165.

It seems we have towers for everything on this corner. We have high voltage electrical towers, we have a cellular phone tower, and now this tower.

We live in an area where we are not entitled to much. We have ~~no~~ city water, no natural gas. We have no cable TV lines. So why should we have so many towers? I feel we a bomb waiting to happen. In two miles where these towers are located I know of ten cancer's deaths. Our phones do not work right since these towers where put up last summer. They just go blank.

We have Solite in 1/2 mile area witch when working burns hazardes materials. I think we have enough.

We have invested in a satellite dish and rent the channels for the satellite dish. By the end of the year I wonder what will happen to it.

Thank You,

Rowena Wood

335 Ferguson Lane

Shepherdsville, Ky. 40165

98-005

Dorton

RECEIVED

Case No. 98-005

JAN 29 1998

January 22, 1998

PUBLIC SERVICE
COMMISSION

V.E. Burkart
8106 Ebert Drive
Manassas, VA 22111

Executive Director's Office
Public Service Commission of Kentucky
Post Office Box 615
Frankfort, KY 40602

Dear Sir or Madam:

On January 21, 1998, I received the enclosed letter from Crown Communications dated January 14, 1998. This company proposes to construct and operate a new facility to provide radio telecommunications service. The facility will include a 300-foot tower with attached appurtenances extending upwards for a total height of 320 feet, and an equipment shelter to be located at 136 Ferguson Lane, Shepherdsville, Bullit County, Kentucky. The notice was sent to me because I own property within a 500 foot radius of the proposed tower. I would also like to note that although the enclosed letter states a map showing the location of the proposed new facility was enclosed; a map was not enclosed.

[In addition, this would be the second communications tower to be erected at this location within the last year. The first one, I had protested (see Case No. 96-281). This first tower was 265 feet; this one is 300 feet! When does the personal property rights of an individual mean something when opposed by corporate giants?]

This letter notified me that your Commission invited my comments regarding the proposed construction and that I had the right to intervene in this matter. In addition, I was told that my initial communication must be received within 20 days of the date of the enclosed letter which is February 3, 1998.

There are a number of reasons why I object to the construction of this facility on the 136 Ferguson Road property:

- I own 10 ½ acres of property next to 136 Ferguson Road. It is classified as commercial and I do not want anything erected that would lower the value of my property and make it less desirable for future development. I believed that the construction of this tower and any other equipment or building would prove to be an eyesore to any developer of my property or developers of other properties in this area. This area is now being rapidly developed along I-65 from the Brooks Street exit.

- The owners of property adjacent to my property, who had owned a horse trailer business were notified of this potential tower and building. They are very concerned that this tower would be an eyesore and detract from the value of the property.
- In addition, there are approximately 50 acres of property adjacent to the horse trailer business which are slated for development. It is important that this area maintains a professional and neat appearance along I-65 so that it retains its desirability and attractiveness for future growth and development.

Additionally, I have contacted the Office of Magnetic Fields, Environmental Protection Agency, regarding the facility to be built on the property located at 136 Ferguson Road. I was informed that:

- Tower described was a microwave tower for cellular phones;
- Such a tower, if not properly constructed and maintained could be a health hazard;
- Such waves operate in straight lines. However, if the tower was to lean at an angle, or if improperly constructed, these waves could be a detriment to animal and human life. Such waves could cause burns and shock. Such a tower could be subject to strong winds, ice storms and tornadoes which could cause a shift in the tower.

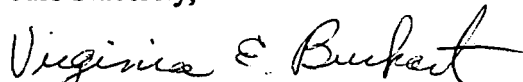
I respectfully request the Commission to be aware of the following suggestions, if applicable:

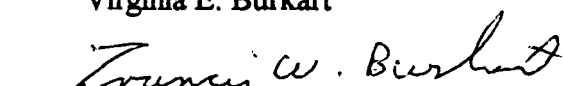
- Is an Environmental Impact Statement required?
- Are there any perceived or known health or safety hazards with this type of towers transmission?
- Are there any records of reports covering the subject matter described in the 2 items above?
- What type of waves will be emitted from this facility?
- What type of permits are required for this facility to be built?
- What is the specific location of the tower and building which is being build at 136 Ferguson lane?
- Does the Public Service Commission assure that the safety and health of people and animals is not impacted?
- Are there any restrictions on the number of towers that can be erected at this location?
- Does the Commission assure the erection of such a facility would not interfere with telephone, telecommunication, information systems, or other means of communication that would be utilized by any future businesses that would use the property or other properties in the neighborhood?
- Does the location of two towers in close proximity add to the dangers cited above?
- Are there any law, regulations or ordinances that would be impacted by erection of this tower or building?
- How many persons besides myself are similarly impacted as I am? Is it possible for me to obtain their names and addresses?
- Who is responsible for the payment of damages if this tower was to cause physical damage or health related problems in this area?

I appreciate the opportunity to intervene and offer comments on this matter. It would seem that Crown Communication could find another location to satisfy their need without jeopardizing property values or future business development in this area. A 300 foot tower is equivalent to a city block in length; a collapse of such a lengthy tower could cause severe damage to any buildings or homes built in this area.

Thank you again for the opportunity to express my concerns.

Yours Sincerely,


Virginia E. Burkart


Francis W. Burkart

Enclosure (January 14, 1998 letter)

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This matter arising upon the motion of Virginia E. and Francis W. Burkart for full intervention, and it appearing to the Commission that the Burkarts have a special interest which is not otherwise adequately represented, and that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, and this Commission being otherwise sufficiently advised,

IT IS HEREBY ORDERED that:

1. The motion of Virginia E. and Francis W. Burkart to intervene is granted.
2. The Burkarts shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Should the Burkarts file documents of any kind with the Commission in the course of these proceedings, they shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 20th day of February, 1998.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director